

A4 13. (Amended) The magnetorheological damper of claim 10, also including a valve disposed proximate the first end of the inner tube and providing the fluid communication of the outer tube with the inner tube, wherein all of the fluid which flows out of and into the inner tube passes through the valve.

REMARKS

Reexamination and reconsideration of the application as amended are requested. Support for the added language in the amended claims is found, for example, in Figures 2, 3, 4 and 6.

The Examiner's rejection of claims 1-14 as being "anticipated", under 35 U.S.C. 102, is respectfully traversed. The Examiner rejects these claims as being unpatentable over Wulff (US 5,632,361).

Independent claims 1 and 6 now require that there be no other tube disposed between and spaced apart from the inner and outer tubes 12 and 16. Wulff discloses an intermediate pipe 209 disposed between and spaced apart from his inner tube (pressure pipe) 202 and his outer tube (container tube) 216. The intermediate pipe 209 plays an important role in helping to define fluid path 208, between the inner tube (pressure pipe) 202 and the intermediate pipe 209, in the embodiment of the damper 200 shown in Figure 10 and described in column 6 and 7 of the Wulff patent, wherein fluid path 208 is crucial to the operation of the damper 200 of Figure 10 of Wulff. Applicants' damper 10 operates without any intermediate pipe and thus is less expensive to manufacture than the damper 200 of Wulff. Also, independent claim 6 now also requires that the inner tube 12 have an imperforate sidewall. Wulff discloses a connecting orifice 210 (further discussed below) in his inner tube (pressure pipe) 202. It is noted that claims 2-5 depend from claim 1 and claims 7-14 depend from claim 6.

Claims 2 and 10 now further require that fluid flow out of and into the inner tube 12 only proximate the first end 18 of the inner tube 12. Wulff discloses a connecting orifice 210 in the sidewall of his inner tube (pressure pipe) 202 which connects the upper chamber 211 of the pressure pipe with the previously described fluid path 208. In addition, Wulff discloses a bottom

valve unit 207 providing communication between the lower chamber 206 of the pressure pipe and the compensating chamber 212 (the chamber between at least the intermediate pipe 209 and the container tube 216). Thus in Wulff fluid flows out of and into his inner tube (pressure pipe) 202 not only proximate the first end of his inner tube (i.e., through his bottom valve unit 207) but also through the connecting orifice 210 in the sidewall of his inner tube 202, such connecting orifice 210 being disposed proximate the other end of his inner tube. Applicants' damper 10 operates without any connecting orifice and thus is less expensive to manufacture than the damper 200 of Wulff. It is noted that 3-5 depend from claim 2 and claims 11-14 depend from claim 10.

Claims 3 and 13 now additionally require that all of the fluid which flows out of and into the inner tube 12 pass through the valve 22. Some of the fluid in Wulff flows out of and into his inner tube 202 through his bottom valve unit 207, and some of the fluid in Wulff flows out of and into his inner tube 202 through his connecting orifice 210 when his valve unit 201 (which is a separate valve from his bottom valve unit 207) selectively or continuously allows such flow (see column 7, lines 24-62). Applicants' damper 10 operates without a sidewall orifice in the inner tube and without an additional valve selectively or continuously allowing fluid flow through out of and into the sidewall orifice of the inner tube and thus is less expensive to manufacture than the damper 200 of Wulff. It is noted that claim 4 depends from claim 3 and claim 14 depends from claim 13.

The examiner's rejection of claim 15 as being "obvious", under 35 U.S.C. 103, is respectfully traversed. The examiner rejects this claim as being unpatentable over Wulff in view of Jensen (US 5,333,708). Claim 15 depends indirectly from claim 13 which depends from claim 10 which depends indirectly from claim 6. Applicants previous discussion as to the patentability of claims 6, 10 and 13 over Wulff is herein incorporated by reference.

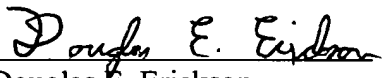
It is clear that the patents cited by the Examiner, taken alone or in combination, do not teach, suggest, or describe the subject matter of Applicants' claimed invention.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

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Amendment

Inasmuch as each of the rejections has been answered by the above remarks and amended claims, it is respectfully requested that the rejections be withdrawn, and that this application be passed to issue.

Respectfully submitted,


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Version with markings to show changes made

In the claims:

Claims 1-3, 6, 10 and 13 have been amended as follows:

1. (Amended) A magnetorheological damper comprising:

- a) an inner tube;
- b) a magnetorheological piston disposed within and slideably engaging the inner tube;

and

c) an outer tube surrounding the inner tube, wherein the outer tube is in fluid communication with the inner tube, wherein no other tube is disposed between and spaced apart from the inner and outer tubes.

2. (Amended) The magnetorheological damper of claim 1, wherein the inner tube has a first end and has a second end, [and] wherein the outer tube is in fluid communication with the inner tube proximate the first end of the inner tube, and wherein fluid flows out of and into the inner tube only proximate the first end of the inner tube.

3. (Amended) The magnetorheological damper of claim 2, also including a valve disposed proximate the first end of the inner tube and providing the fluid communication of the outer tube with the inner tube, wherein all of the fluid which flows out of and into the inner tube passes through the valve.

6. (Amended) A magnetorheological damper comprising:

- a) an inner tube having an imperforate sidewall;
- b) a magnetorheological fluid, wherein at least a portion of the magnetorheological fluid is disposed in the inner tube;
- c) a magnetorheological piston disposed within and slideably engaging the inner tube and contacting the magnetorheological fluid; and

d) an outer tube surrounding the inner tube, wherein the outer tube is in fluid communication with the magnetorheological fluid in the inner tube, wherein no other tube is disposed between and spaced apart from the inner and outer tubes.

10. (Amended) The magnetorheological damper of claim 8, wherein the inner tube has a first end and a second end, [and] wherein the outer tube is in fluid communication with the inner tube proximate the first end of the inner tube, and wherein fluid flows out of and into the inner tube only proximate the first end of the inner tube.

13. (Amended) The magnetorheological damper of claim 10, also including a valve disposed proximate the first end of the inner tube and providing the fluid communication of the outer tube with the inner tube, wherein all of the fluid which flows out of and into the inner tube passes through the valve.

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